

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**BERNADETTE TSOSIE, Individually and
As the Personal Representative for the Estate
Of IRENE BEKIS-BEGAY, Deceased,**

Plaintiff,

vs.

No. 1:14-CV-00664-WJ/RHS

**THE UNITED STATES OF AMERICA;
ROBERT WEAVER, III, M.D., FOUR CORNERS
RADIOLOGY ASSOCIATES, P.C.; SAN JUAN REGIONAL
MEDICAL CENTER, INC.; BLACK AND WHITE
CORPORATIONS 1-10; JOHN AND JANE DOES 1-10**

Defendants.

**STIPULATED NOTICE OF VOLUNTARY PARTIAL
DISMISSAL WITHOUT PREJUDICE**

COME NOW the Plaintiffs, Bernadette Tsosie, individually, and as the Personal Representative of the Estate of Irene Bekis-Begay, Deceased, and the remaining identified Defendants who have filed Answers, The United States of America, Robert Weaver, III, M.D., and Four Corners Radiology Associates, P.C. ("Four Corners"), all appearing by and through their undersigned counsel of record and, pursuant to FED. R. CIV. P. 41 (a)(1)(ii), respectfully give stipulated notice that the Plaintiffs' First Amended Complaint for Medical Negligence [Doc. 16] ("Amended Complaint") is hereby voluntarily dismissed by Plaintiffs without prejudice as against Four Corners only, with Plaintiffs and Four Corners to bear their respective costs of litigation incurred by Plaintiffs in connection with prosecution of their claims against Four Corners, and by Four Corners in connection with defending against Plaintiffs' claims.

Prepared and Submitted By:

BARUDIN LAW FIRM, P.C.

By: /s/Theodore W. Barudin 12-3-15

**Theodore W. Barudin
Barudin Law Firm, P.C.
Attorneys for Plaintiff
Albuquerque, NM 87110-4606
(505)332-1800
Barudinlaw@aol.com**

And

KAPLAN & LUKOWSKI, LLP

By: /s/Ronald I. Kaplan 12-3-15

**Ronald I. Kaplan, J.D., M.D.
Kaplan & Lukowski, LLP
Attorneys for Plaintiffs
333 Sandy Springs Circle, Suite 200
Atlanta, Georgia 30328
(404) 854-0012
rik@kaplanlegal.com**

Approved as to Form and Content:

BROWN & GAY, P.C.

By: /s/ Remo E. Gay

**Remo E. Gay
Attorneys for Four Corners
Radiology Associates, P.C.
3810 Osuna Road, NE, Suite One
Albuquerque, New Mexico 87109-4417
(505) 842-5715
(505) 842-5713 facsimile
rgay@brownandgay.com**

Approved as to Form and Content:
RODEY DICKASON SLOAN AKIN & ROBB, PA

By: /s/ Remo E. Gay for Rick Beitler Electronic Approval 12/02/15

Rick Beitler
Rodey Dickason Sloan Akin & Robb PA
Attorney for Robert Weaver, III, M.D.
P.O. Box 1888
Albuquerque, NM 87103-1888
(505) 768-7260
rbeitler@rodey.com

THE UNITED STATES OF AMERICA

By: Roberto D. Ortega Electronic Approval 12/02/15

Roberto D. Ortega
U.S. Attorney's Office
Attorneys for United States of America
P.O. Box 607
Albuquerque, NM 87103-0607
(505) 224-1519
Roberto.ortega@usdoh.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused service of the foregoing Stipulated Notice of Voluntary Partial Dismissal without Prejudice via electronic filing system to all counsel of record this 3rd day of December, 2015.

Remo E. Gay
*Attorneys for Four Corners
Radiology Associates, P.C.*
3810 Osuna Road, NE, Suite One
Albuquerque, New Mexico 87109-4417
(505) 842-5715
rgay@brownandgay.com

Ronald I. Kaplan, J.D., M.D.
Kaplan & Lukowski, LLP
Attorneys for Plaintiffs
333 Sandy Springs Circle, Suite 200

Rick Beitler
Rodey Dickason Sloan Akin & Robb PA
Attorney for Robert Weaver, III, M.D.
P.O. Box 1888
Albuquerque, NM 87103-1888
(505) 768-7260
rbeitler@rodey.com

Roberto D. Ortega
U.S. Attorney's Office
Attorneys for United States of America
P.O. Box 607

Atlanta, Georgia 30328
(404) 854-0012
rik@kaplanlegal.com

Albuquerque, NM 87103-0607
(505) 557-1519
Roberto.ortega@usdoh.gov

/s/ Theodore W. Barudin
Theodore W. Barudin